

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86316533
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86316533/large
LITERAL ELEMENT	DRONIE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (009)(current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Downloadable software via the internet and wireless devices for downloading, searching, tagging, viewing, sharing, critiquing, rating, interacting with and commenting on photos and videos of others, objects, scenery and events; downloadable software in the nature of a mobile application for use in downloading, searching, tagging, viewing, sharing, critiquing, rating, interacting with and commenting on photos and videos of others, objects, scenery and events	
FILING BASIS	Section 1(b)
FOREIGN APPLICATION NUMBER	10672014
FOREIGN APPLICATION COUNTRY	Iceland
FOREIGN FILING DATE	04/23/2014
FOREIGN REGISTRATION COUNTRY	Iceland
GOODS AND/OR SERVICES SECTION (009)(proposed)	
INTERNATIONAL CLASS	009
TRACKED TEXT DESCRIPTION	
Downloadable software via the internet and wireless devices for downloading, searching, tagging, viewing, sharing, critiquing, rating, interacting with and commenting on photos and videos of others, objects, scenery and events; Downloadable software provided via the internet and wireless devices for downloading, searching, tagging, viewing, sharing, critiquing, rating and commenting on photos and videos of others featuring objects, scenery and events; downloadable software in the nature of a mobile application for use in downloading, searching, tagging, viewing, sharing, critiquing, rating, interacting with and commenting on photos and videos of others, objects, scenery and events; downloadable software in the nature of a mobile application for use in downloading, searching, tagging, viewing, sharing, critiquing, rating, and commenting on photos and videos of others featuring objects, scenery and events; downloadable software provided via the internet and wireless devices for use in interacting with the individuals producing photos and videos featuring objects, scenery and events; downloadable software in the nature of a mobile application for use in interacting with the individuals producing photos and videos featuring objects, scenery and events	
FINAL DESCRIPTION	

Downloadable software provided via the internet and wireless devices for downloading, searching, tagging, viewing, sharing, critiquing, rating and commenting on photos and videos of others featuring objects, scenery and events; downloadable software in the nature of a mobile application for use in downloading, searching, tagging, viewing, sharing, critiquing, rating, and commenting on photos and videos of others featuring objects, scenery and events; downloadable software provided via the internet and wireless devices for use in interacting with the individuals producing photos and videos featuring objects, scenery and events; downloadable software in the nature of a mobile application for use in interacting with the individuals producing photos and videos featuring objects, scenery and events

FILING BASIS	Section 1(b)
FOREIGN APPLICATION NUMBER	10672014
FOREIGN APPLICATION COUNTRY	Iceland
FOREIGN FILING DATE	04/23/2014
FOREIGN REGISTRATION COUNTRY	Iceland

GOODS AND/OR SERVICES SECTION (038)(current)

INTERNATIONAL CLASS	038
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DESCRIPTION

Providing online community forums for users to search, watch, share, critique, rate, interact with and comment on multimedia content, namely, photos and videos of others, objects, scenery, and events; providing chat room services for social networking in the field of photos and videos of others, objects, scenery and events; telecommunications services, namely, electronic transmission of streamed and downloadable audio and video files, namely audio and video of others, objects, scenery and events via computer and other communications networks

FILING BASIS	Section 1(b)
FOREIGN APPLICATION NUMBER	013010161
FOREIGN APPLICATION COUNTRY	European Community
FOREIGN FILING DATE	06/18/2014
FOREIGN REGISTRATION COUNTRY	European Community

GOODS AND/OR SERVICES SECTION (038)(proposed)

INTERNATIONAL CLASS	038
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TRACKED TEXT DESCRIPTION

~~Providing online community forums for users to search, watch, share, critique, rate, interact with and comment on multimedia content, namely, photos and videos of others, objects, scenery, and events; Providing online forums for community members to search, watch, share, critique, rate, interact with and comment on multimedia content, namely, photos and videos of others featuring objects, scenery, and events;~~ providing chat room services for social networking in the field of photos and videos of others, objects, scenery and events; ~~telecommunications services, namely, electronic transmission of streamed and downloadable audio and video files, namely audio and video of others, objects, scenery and events via computer and other communications networks;~~ telecommunications services, namely, electronic transmission of streamed and downloadable audio and video files featuring objects, scenery and events via computer and other communications networks

FINAL DESCRIPTION

Providing online forums for community members to search, watch, share, critique, rate, interact with and comment on multimedia content, namely, photos and videos of others featuring objects, scenery, and events; providing chat room services for social networking in the field of photos and videos of others, objects, scenery and events; telecommunications services, namely, electronic transmission of streamed and downloadable audio and video files featuring objects, scenery and events via computer and other communications networks

FILING BASIS	Section 1(b)
FOREIGN APPLICATION NUMBER	013010161
FOREIGN APPLICATION COUNTRY	European Community
FOREIGN FILING DATE	06/18/2014
FOREIGN REGISTRATION COUNTRY	European Community

GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Entertainment services, namely, aerial photography and videography for the purpose of capturing photos and videos of others, objects, scenery and events, and distributing and displaying the photos and videos for entertainment purposes; providing a website featuring blogs and non-downloadable text, video and audio files, all featuring information about photos and videos of others, objects, scenery, and events in the fields of sports and entertainment; providing non-downloadable pre-recorded audio, visual and audiovisual works depicting others, objects, scenery, and events in the fields of sports and entertainment via wireless networks	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (041)(proposed)	
INTERNATIONAL CLASS	041
TRACKED TEXT DESCRIPTION	
Entertainment services, namely, aerial photography and videography for the purpose of capturing photos and videos of others, objects, scenery and events, and distributing and displaying the photos and videos for entertainment purposes; Entertainment services, namely, aerial photography and videography for the purpose of capturing photos and videos taken by others featuring objects, scenery and events, and providing displays in the field of photography and videography for entertainment purposes; providing a website featuring blogs and non-downloadable text, video and audio files, all featuring information about photos and videos of others, objects, scenery, and events in the fields of sports and entertainment; providing a website featuring blogs and non-downloadable magazines, video and audio files, all featuring information about photos and videos taken by others featuring objects, scenery, and events in the fields of sports and entertainment; providing non-downloadable pre-recorded audio, visual and audiovisual works depicting others, objects, scenery, and events in the fields of sports and entertainment via wireless networks; providing non-downloadable pre-recorded audio, visual and audiovisual works depicting, objects, scenery, and events in the fields of sports and entertainment via wireless networks	
FINAL DESCRIPTION	
Entertainment services, namely, aerial photography and videography for the purpose of capturing photos and videos taken by others featuring objects, scenery and events, and providing displays in the field of photography and videography for entertainment purposes; providing a website featuring blogs and non-downloadable magazines, video and audio files, all featuring information about photos and videos taken by others featuring objects, scenery, and events in the fields of sports and entertainment; providing non-downloadable pre-recorded audio, visual and audiovisual works depicting, objects, scenery, and events in the fields of sports and entertainment via wireless networks	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (042)(current)	
INTERNATIONAL CLASS	042
DESCRIPTION	
Hosting an interactive website and online non-downloadable software that enable users to search, watch, share, critique, rate, interact with and comment on multimedia content, namely, photos and videos of others, objects, scenery and events via a global computer network and other computer and communications networks; hosting of digital content, namely, photos and videos of others, objects, scenery and events online; hosting a website featuring messages and comments about photos and videos of others, objects, scenery and events, and multimedia content, namely, photos and videos of others, objects, scenery, and events, online; computer services, namely, creating an online community for users to engage in social networking in the field of photos and videos of others, objects, scenery and events; providing temporary use of online non-downloadable software and applications for accessing streaming audio and video files, and multimedia files, namely, photos and videos of others, objects, scenery and events	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (042)(proposed)	
INTERNATIONAL CLASS	042
TRACKED TEXT DESCRIPTION	
Hosting an interactive website and online non-downloadable software that enable users to search, watch, share, critique, rate, interact with and comment on multimedia content, namely, photos and videos of others, objects, scenery and events via a global computer network and other computer and communications networks; Hosting an interactive website and online non-downloadable software that enable users to search, watch, share, critique, rate, with and comment on photos and videos taken by others featuring objects, scenery and events via a global	

[computer network and other computer and communications networks](#); hosting of digital content, namely, photos and videos of others, objects, scenery and events online; hosting a website featuring messages and comments about photos and videos of others, objects, scenery and events, and multimedia content, namely, photos and videos of others, objects, scenery, and events, online; computer services, namely, creating an online community for users to engage in social networking in the field of photos and videos of others, objects, scenery and events; ~~providing temporary use of online non-downloadable software and applications for accessing streaming audio and video files, and multimedia files, namely, photos and videos of others, objects, scenery and events~~; [providing temporary use of online non-downloadable software and applications for use in accessing streamed audio and video files, and multimedia files in the nature of photos and videos taken by others featuring, objects, scenery and events](#)

FINAL DESCRIPTION

Hosting an interactive website and online non-downloadable software that enable users to search, watch, share, critique, rate, with and comment on photos and videos taken by others featuring objects, scenery and events via a global computer network and other computer and communications networks; hosting of digital content, namely, photos and videos of others, objects, scenery and events online; hosting a website featuring messages and comments about photos and videos of others, objects, scenery and events, and multimedia content, namely, photos and videos of others, objects, scenery, and events, online; computer services, namely, creating an online community for users to engage in social networking in the field of photos and videos of others, objects, scenery and events; providing temporary use of online non-downloadable software and applications for use in accessing streamed audio and video files, and multimedia files in the nature of photos and videos taken by others featuring, objects, scenery and events

FILING BASIS

Section 1(b)

GOODS AND/OR SERVICES SECTION (045)(current)

INTERNATIONAL CLASS

045

DESCRIPTION

Online social networking services in the field of photos and videos of others, objects, scenery and events; providing a website on the internet for the purpose of social networking in the field of photos and videos of others, objects, scenery and events; providing computer databases and searchable databases in the field of social networking featuring photos and videos of others, objects, scenery and events

FILING BASIS

Section 1(b)

GOODS AND/OR SERVICES SECTION (045)(proposed)

INTERNATIONAL CLASS

045

TRACKED TEXT DESCRIPTION

Online social networking services in the field of photos and videos of others, objects, scenery and events; providing a website on the internet for the purpose of social networking in the field of photos and videos of others, objects, scenery and events; ~~providing computer databases and searchable databases in the field of social networking featuring photos and videos of others, objects, scenery and events~~; [providing computer databases and searchable databases featuring information about social networking websites in the field of photos and videos taken by others featuring, objects, scenery and events](#)

FINAL DESCRIPTION

Online social networking services in the field of photos and videos of others, objects, scenery and events; providing a website on the internet for the purpose of social networking in the field of photos and videos of others, objects, scenery and events; providing computer databases and searchable databases featuring information about social networking websites in the field of photos and videos taken by others featuring, objects, scenery and events

FILING BASIS

Section 1(b)

SIGNATURE SECTION

RESPONSE SIGNATURE

/michelle levin/

SIGNATORY'S NAME

Michelle Levin

SIGNATORY'S POSITION

Attorney for Applicant

SIGNATORY'S PHONE NUMBER

914.821.3073

DATE SIGNED

03/10/2016

AUTHORIZED SIGNATORY

YES

CONCURRENT APPEAL NOTICE FILED

YES

FILING INFORMATION SECTION	
SUBMIT DATE	Thu Mar 10 16:47:41 EST 2016
TEAS STAMP	USPTO/RFR-XXX.XX.XXX.XX-2 0160310164741660132-86316 533-550dc57d8fcd82b214c6 67313589feef69d8a01de9602 3bfe42c7954f66d31d4-N/A-N /A-20160310163609434856

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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86316533** DRONIE(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86316533/large>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Downloadable software via the internet and wireless devices for downloading, searching, tagging, viewing, sharing, critiquing, rating, interacting with and commenting on photos and videos of others, objects, scenery and events; downloadable software in the nature of a mobile application for use in downloading, searching, tagging, viewing, sharing, critiquing, rating, interacting with and commenting on photos and videos of others, objects, scenery and events

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Applicant has made of record the following information concerning a foreign application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and asserts a claim of priority based on [Iceland application number 10672014 filed 04/23/2014].

Proposed:

Tracked Text Description: ~~Downloadable software via the internet and wireless devices for downloading, searching, tagging, viewing, sharing, critiquing, rating, interacting with and commenting on photos and videos of others, objects, scenery and events;~~ Downloadable software provided via the internet and wireless devices for downloading, searching, tagging, viewing, sharing, critiquing, rating and commenting on photos and videos of others featuring objects, scenery and events; ~~downloadable software in the nature of a mobile application for use in downloading, searching, tagging, viewing, sharing, critiquing, rating, interacting with and commenting on photos and videos of others, objects, scenery and events;~~ downloadable software in the nature of a mobile application for use in downloading, searching, tagging, viewing, sharing, critiquing, rating, and commenting on photos and videos of others featuring objects, scenery and events; downloadable software provided via the internet and wireless devices for use in interacting with the individuals producing photos and videos featuring objects, scenery and events; downloadable software in the nature of a mobile application for use in interacting with the individuals producing photos and videos featuring objects, scenery and events

Class 009 for Downloadable software provided via the internet and wireless devices for downloading, searching, tagging, viewing, sharing, critiquing, rating and commenting on photos and videos of others featuring objects, scenery and events; downloadable software in the nature of a mobile application for use in downloading, searching, tagging, viewing, sharing, critiquing, rating, and commenting on photos and videos of others featuring objects, scenery and events; downloadable software provided via the internet and wireless devices for use in interacting with the

individuals producing photos and videos featuring objects, scenery and events; downloadable software in the nature of a mobile application for use in interacting with the individuals producing photos and videos featuring objects, scenery and events

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Applicant has made of record the following information concerning a foreign application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and asserts a claim of priority based on [Iceland application number 10672014 filed 04/23/2014].

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 038 for Providing online community forums for users to search, watch, share, critique, rate, interact with and comment on multimedia content, namely, photos and videos of others, objects, scenery, and events; providing chat room services for social networking in the field of photos and videos of others, objects, scenery and events; telecommunications services, namely, electronic transmission of streamed and downloadable audio and video files, namely audio and video of others, objects, scenery and events via computer and other communications networks

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Applicant has made of record the following information concerning a foreign application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and asserts a claim of priority based on [European Community application number 013010161 filed 06/18/2014].

Proposed:

Tracked Text Description: ~~Providing online community forums for users to search, watch, share, critique, rate, interact with and comment on multimedia content, namely, photos and videos of others, objects, scenery, and events;~~ Providing online forums for community members to search, watch, share, critique, rate, interact with and comment on multimedia content, namely, photos and videos of others featuring objects, scenery, and events; providing chat room services for social networking in the field of photos and videos of others, objects, scenery and events; ~~telecommunications services, namely, electronic transmission of streamed and downloadable audio and video files, namely audio and video of others, objects, scenery and events via computer and other communications networks;~~ telecommunications services, namely, electronic transmission of streamed and downloadable audio and video files featuring objects, scenery and events via computer and other communications networks

Class 038 for Providing online forums for community members to search, watch, share, critique, rate, interact with and comment on multimedia content, namely, photos and videos of others featuring objects, scenery, and events; providing chat room services for social networking in the field of photos and videos of others, objects, scenery and events; telecommunications services, namely, electronic transmission of streamed and downloadable audio and video files featuring objects, scenery and events via computer and other communications networks

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Applicant has made of record the following information concerning a foreign application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and asserts a claim of priority based on [European Community application number 013010161 filed 06/18/2014].

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 041 for Entertainment services, namely, aerial photography and videography for the purpose of capturing photos and videos of others, objects, scenery and events, and distributing and displaying the photos and videos for entertainment purposes; providing a website featuring blogs and non-downloadable text, video and audio files, all featuring information about photos and videos of others, objects, scenery, and events in the fields of sports and entertainment; providing non-downloadable pre-recorded audio, visual and audiovisual works depicting others, objects, scenery, and events in the fields of sports and entertainment via wireless networks

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: ~~Entertainment services, namely, aerial photography and videography for the purpose of capturing photos and videos of others, objects, scenery and events, and distributing and displaying the photos and videos for entertainment purposes; Entertainment services, namely, aerial photography and videography for the purpose of capturing photos and videos taken by others featuring objects, scenery and events, and providing displays in the field of photography and videography for entertainment purposes; providing a website featuring blogs and non-downloadable text, video and audio files, all featuring information about photos and videos of others, objects, scenery, and events in the fields of sports and entertainment; providing a website featuring blogs and non-downloadable magazines, video and audio files, all featuring information about photos and videos taken by others featuring objects, scenery, and events in the fields of sports and entertainment; providing non-downloadable pre-recorded audio, visual and audiovisual works depicting others, objects, scenery, and events in the fields of sports and entertainment via wireless networks; providing non-downloadable pre-recorded audio, visual and audiovisual works depicting, objects, scenery, and events in the fields of sports and entertainment via wireless networks~~

Class 041 for Entertainment services, namely, aerial photography and videography for the purpose of capturing photos and videos taken by others featuring objects, scenery and events, and providing displays in the field of photography and videography for entertainment purposes; providing a website featuring blogs and non-downloadable magazines, video and audio files, all featuring information about photos and videos taken by others featuring objects, scenery, and events in the fields of sports and entertainment; providing non-downloadable pre-recorded audio, visual and audiovisual works depicting, objects, scenery, and events in the fields of sports and entertainment via wireless networks

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 042 for Hosting an interactive website and online non-downloadable software that enable users to search, watch, share, critique, rate, interact with and comment on multimedia content, namely, photos and videos of others, objects, scenery and events via a global computer network and other computer and communications networks; hosting of digital content, namely, photos and videos of others, objects, scenery and events online; hosting a website featuring messages and comments about photos and videos of others, objects, scenery and events, and multimedia content, namely, photos and videos of others, objects, scenery, and events, online; computer services, namely, creating an online community for users to engage in social networking in the field of photos and videos of others, objects, scenery and events; providing temporary use of online non-downloadable software and applications for accessing streaming audio and video files, and multimedia files, namely, photos and videos of others, objects, scenery and events

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a

bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: ~~Hosting an interactive website and online non-downloadable software that enable users to search, watch, share, critique, rate, interact with and comment on multimedia content, namely, photos and videos of others, objects, scenery and events via a global computer network and other computer and communications networks;~~ Hosting an interactive website and online non-downloadable software that enable users to search, watch, share, critique, rate, with and comment on photos and videos taken by others featuring objects, scenery and events via a global computer network and other computer and communications networks; hosting of digital content, namely, photos and videos of others, objects, scenery and events online; hosting a website featuring messages and comments about photos and videos of others, objects, scenery and events, and multimedia content, namely, photos and videos of others, objects, scenery, and events, online; computer services, namely, creating an online community for users to engage in social networking in the field of photos and videos of others, objects, scenery and events; ~~providing temporary use of online non-downloadable software and applications for accessing streaming audio and video files, and multimedia files, namely, photos and videos of others, objects, scenery and events;~~ providing temporary use of online non-downloadable software and applications for use in accessing streamed audio and video files, and multimedia files in the nature of photos and videos taken by others featuring, objects, scenery and events

Class 042 for Hosting an interactive website and online non-downloadable software that enable users to search, watch, share, critique, rate, with and comment on photos and videos taken by others featuring objects, scenery and events via a global computer network and other computer and communications networks; hosting of digital content, namely, photos and videos of others, objects, scenery and events online; hosting a website featuring messages and comments about photos and videos of others, objects, scenery and events, and multimedia content, namely, photos and videos of others, objects, scenery, and events, online; computer services, namely, creating an online community for users to engage in social networking in the field of photos and videos of others, objects, scenery and events; providing temporary use of online non-downloadable software and applications for use in accessing streamed audio and video files, and multimedia files in the nature of photos and videos taken by others featuring, objects, scenery and events

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 045 for Online social networking services in the field of photos and videos of others, objects, scenery and events; providing a website on the internet for the purpose of social networking in the field of photos and videos of others, objects, scenery and events; providing computer databases and searchable databases in the field of social networking featuring photos and videos of others, objects, scenery and events
Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: Online social networking services in the field of photos and videos of others, objects, scenery and events; providing a website on the internet for the purpose of social networking in the field of photos and videos of others, objects, scenery and events; ~~providing computer databases and searchable databases in the field of social networking featuring photos and videos of others, objects, scenery and events;~~ providing computer databases and searchable databases featuring information about social networking websites in the field of photos and videos taken by others featuring, objects, scenery and events

Class 045 for Online social networking services in the field of photos and videos of others, objects, scenery and events; providing a website on the internet for the purpose of social networking in the field of photos and videos of others, objects, scenery and events; providing computer databases and searchable databases featuring information about social networking websites in the field of photos and videos taken by others featuring, objects, scenery and events

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /michelle levin/ Date: 03/10/2016

Signatory's Name: Michelle Levin

Signatory's Position: Attorney for Applicant

Signatory's Phone Number: 914.821.3073

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

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